PEOPLE FOR
THE AMERICAN WAY
Your Voice Against Intolerance

STATE & LOCAL ANTI-GAY ACTIVITY UPDATE

JANUARY-FEBRUARY 1997

The following is a status report on anti-gay activities around the nation at the federal, state and local levels. More a survey than a comprehensive study, the report includes the status of bills, laws, petitions and proposed constitutional amendments, as well as court cases and executive branch actions, including actions of city governments and school boards. To learn more about the activity covered in this report or to inform us of other local or state anti-gay activity, please contact Sonya Schwartz at (202) 467-2338 or at sschwartz@pfaw.org. ***This report is also available via electronic mail. To find out more about People For the American Way, visit our website at http://www.pfaw.org.***

The next edition of Hostile Climate, People For the American Way's annual report documenting anti-gay incidents nationwide, is in preparation and will be released in spring of 1997. ***If you have anti-gay incidents to report, contact Sonya Schwartz at (202) 467-2338 or at sschwartz@pfaw.org.***

NATIONWIDE

∇ Rep. J.C. Watts' response to the State of the Union Address bashed the quest for gay and lesbian equality. He said, "America must be a place where all of us -- red, yellow, brown, black and white -- in some way feel a part of the American Dream. It did not happen by dividing us into racial groups...*It does not happen by reducing our values to the lowest common denominator. And friends, it does not happen by asking Americans to accept what's immoral and wrong in the name of tolerance*."

∇ On January 21, Senator Jesse Helms introduced SB 47, a bill that would overturn President Clinton's policy banning employment discrimination against gay federal workers. The bill, which Helms called the "Freedom of Speech Act of 1997," would bar the president and federal agencies and departments from adopting policies that protect any "additional class of individuals" from discrimination that is not already protected under existing federal law. Even though the bill does not specifically mention sexual orientation, it would prohibit federal agencies from including sexual orientation in their non-discrimination policies because that category is not covered under current civil rights laws. Helms introduced a similar bill at the beginning of the 104th Congress two years ago, but it died in committee. To date, Helms has not found a cosponsor for the bill.

∇ State legislatures convened with a flurry of anti-same-sex marriage legislation in response to the ruling in Hawaii's *Baehr v. Miike* case. Lawmakers are currently considering constitutional amendments in two states: **Hawaii** and **Mississippi**; and statutes in 12 states: **Arkansas, Indiana, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, Vermont, Virginia, Washington, Wisconsin,** and **Wyoming**. Bills are expected to be introduced in eight other states: **Alabama, California, Colorado, Florida, Montana, North Dakota, Ohio,** and

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Texas. Aballot initiative petition is circulating in **Oregon**. In **Maine**, advocates of a citizen initiative to ban same-sex marriage submitted enough valid petition signatures to mandate legislative action. Fifteen states enacted anti-same-sex marriage legislation in 1996. **Alaska, Arizona, Delaware, Georgia, Idaho, Illinois, Kansas, Michigan, Missouri, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota** and **Tennessee** joined **Utah** which enacted its law in 1995.

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ALABAMA

The 11th Circuit U.S. Court of Appeals heard a challenge to an Alabama law that sought to keep lesbian, gay and bisexual student groups off university campuses. The ACLU told the court that the law clearly violated the students' First Amendment rights to free speech and association. Matt Coles, director of the ACLU's Lesbian and Gay Rights Project, argued, "Colleges should be a place of open discourse and equal opportunity. This law contradicts that purpose, and seeks to exclude lesbian and gay students from the fabric of campus life." Alabama had appealed a lower court decision last year that the statute constitutes "viewpoint limitation... [that] violates the First Amendment." The law passed the Alabama legislature in 1992 after officials at Auburn University gave recognition to a gay student group there.

ARIZONA

Four anti-gay bills were pre-filed in the Arizona House of Representatives. The first bill would reclassify sodomy -- consisting of all consensual sex not performed in the missionary position by heterosexuals -- currently considered a class three misdemeanor, as a class six felony. The second bill would prohibit the formation of gay and lesbian student groups on university and college campuses. The university president would have ultimate jurisdiction in deciding whether an organization threatens the "physical, emotional, psychological or moral well-being of students and faculty." The law would also give the board of regents and the governing boards of local colleges the right to "deny access to any student organization or club if the activities of the organization or club would materially or substantially: encourage criminal or delinquent conduct, promote bigotry, involve human sexuality." The third bill, similar to the second, prohibits the formation of school clubs and organizations at public high schools. The fourth bill makes it illegal for teachers, administrators, counselors, and volunteers to "support or encourage criminal conduct by students, teachers or volunteers."

The Arizona chapter of the Traditional Values Coalition (TVC), conservative legislators, and outgoing Speaker of the House Mark Killian, have all backed the bills. Activist backers of the bills, led by TVC's Chairman Frank Meliti, are passing out copies of the video, *Gay Rights, Special Rights* to Republican legislators. Rep. Ken Cheuvront (D-Phoenix) responded, "I just think these are religious zealots who are trying to push their views on everyone else. We're not dealing with America 1996. We're dealing with America 1950."

ARKANSAS

The Arkansas Non-Discrimination Alliance (ANDA), including the Arkansas Gay and Lesbian Task Force, the ACLU, PFLAG, GLAAD and other community groups, has formed in response to the threat of

anti-same-sex marriage legislation. An anti-same-sex marriage, SB 5, bill was filed in response to the Defense of Marriage Act and passed the Senate Judiciary Committee and the House. ANDA members doubt that they will be able to defeat the bill, but hope to educate lawmakers and reach a compromise that would include employment discrimination protection for gay men and lesbians.

CALIFORNIA

Assemblywoman Sheila Kuehl, the first openly gay member of the California legislature, introduced a bill that would prohibit bias based on sexual orientation in school employment, curriculum and the treatment of students on campus. A similar bill failed last year when the Republicans controlled the Assembly but because Democrats are now in the majority, the legislation's chances for passage are improved. Governor Wilson has yet to take a position on the bill which still awaits a hearing in committee. Ellen McCormick, a lobbyist for Life Lobby, a civil rights group, said, "The gay and lesbian community is going to be very active on this bill. We can mobilize communities from all over the state." However, Assemblyman Steve Baldwin (R-La Mesa) who will help lead the opposition, said, "You'll see a culture war going on when this happens. There will be phone calls, telegrams, the whole shebang."

COLORADO

Rep. Marilyn Musgrave (R-Fort Morgan) has stated that she will reintroduce a bill to ban recognition of same-sex marriages in Colorado. The Colorado legislature approved the same bill last year in a partisan vote with most Democrats in opposition, but Gov. Roy Romer vetoed it. Representative Musgrave commented, "Basically, it will be the same bill. I think some people kind of poo-pooed the situation, saying we didn't need to worry about this yet. Obviously, we do need to worry about it." She added, "Colorado is vulnerable. We don't have specific language dealing with the issue. That's why I carried the bill last year. If we do nothing, we are, in effect, inviting the very thing that happened in Hawaii to happen here." Governor Romer has indicated that he will sign the bill if it comes to his desk

FLORIDA

A visit to Tampa by Olympic gold medalist Greg Louganis, who came to speak at the University of Southern Florida's Gay & Lesbian Awareness Week, was criticized by State Sen. John Grant. Grant wrote a letter on Senate letterhead asserting that the speech would "promote homosexuality. First of all," he wrote, "such a presentation represents moral decadence, and is an embarrassment to the university community...I fully recognize the right of the gay community to practice their lifestyle, but to promote it as a university event gives it a different kind of sanction." As Chair of the Senate Education Committee and a member of the Appropriations Committee, he also suggested that it posed a threat to the University's budget and said in the letter, "I am going to be looking closely at these kinds of fiscal abuses."

Senator Grant also filed legislation to prohibit the state from recognizing same-sex marriages performed in other states. The legislation's supporters hope to prevent Florida from extending benefits currently intended for heterosexual married couples to gay or lesbian couples. David Caton, president of Florida's American Family Association, said, "The homosexuals have gone after an institution that is so sacred... that the moderates and some liberals are saying that's enough." Andy Kayton, legal director of the

ACLU in Florida commented, "I think the motives behind legislation like this are mean-spirited and highly questionable." Todd Simmons, co-chairman of the Human Rights Task Force of Florida, commented, "It always surprises me when Republicans like John Grant get all worked up over issues like this. I always thought they were a party to say 'we want government out of people's lives.'"

Alachua County

Circuit Court Judge Frederick Smith declared unconstitutional the county's charter amendment, which prohibited laws to protect gay men and lesbians from discrimination, because it denied gay men and lesbians equal protection under the law. Although the ruling does not automatically grant gay men and lesbians protection from discrimination, it removes legal obstacles from adding such protections in the future. The judge based his decision on the Supreme Court's holding last May that Colorado's Amendment 2, similar to the Alachua County law, was unconstitutional. He referred to the decision in his opinion which said a "desire to harm a politically unpopular group cannot constitute legitimate governmental interest."

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GEORGIA

Atlanta

Mayor Bill Campbell signed an administrative order that will require all companies seeking to do business with the city to adopt policies that ban anti-gay discrimination. It requires that all contracts exceeding $1,000 include a provision that prohibits anti-gay discrimination among the contractors and their employees. A spokesman for the mayor commented, "Mayor Campbell is very much in favor of diversity in the workplace. If a company wants to do business with the city, they ought to share in our policies as well. It wouldn't be good business practice for the city [otherwise]."

HAWAII

On December 3, Judge Kevin Chang of Hawaii's First Circuit Court ruled in favor of the plaintiffs in *Baehr v. Miike,* holding that the state's denial of marriage licenses to same-sex couples violates Hawaii's Constitution. The long-awaited decision is an historic landmark on the road to full equality for lesbians and gay men -- and particularly toward allowing lesbians and gay men in committed relationships the equal benefits available to other married couples.

However, the case is far from over. The state plans to appeal Judge Chang's decision, and filed a motion to stay the court's ruling while the appeal is pending. Judge Chang granted the motion. Thus, the state does not have to comply with the decision and issue marriage licenses to gay and lesbian couples while the appeal is pending. It is estimated that the appeal would be decided, at the earliest, in late 1997. ***For more information on the Hawaii decision, and the Religious Right's attacks on same-sex marriage, visit http://www.pfaw.org/abtrr/hip4reax.htm.***

Also, the *Baehr* decision has roused a flurry of anti-gay activity in the state legislature, where many bills have been proposed in both Houses. Five distinct anti-same-sex marriage amendments to the Constitution have been proposed: four in the Senate (SB 36, SB 97, SB 912, and SB 1800) and one in the House (HB 117). Two domestic partnership bills have also been introduced in the Senate (SB 98 and SB 795) and one in the House (HB 118). On February 6, heard on the heels of a the February 3 vote by the Senate Judiciary Committee, the full Senate voted 15-10 in favor of the two same-sex marriage bills. The first, SB 36, is the Senate's substitute for HB 277, the House-passed proposed amendment to the state constitution prohibiting same-sex marriages. The second, SB 98, would grant a limited number of the benefits of civil marriage to gay couples. Either the House will agree to the changes, or reject them producing a possible legislative gridlock.

Hawaii residents voted by a narrow margin to convene a state constitutional convention in which they could possibly discuss passage of a state constitutional amendment to outlaw same-sex marriage in Hawaii. The question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" must appear on the ballot every 10 years in Hawaii. Delegates to the convention will not be appointed until the 1998 general election, unless a special election is called for this purpose. It is possible that the prospect of a constitutional convention will dissuade the Hawaii state legislature from taking action against same-sex marriage.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn: Evan Wolfson.

ILLINOIS

Galesburg

An ordinance prohibiting discrimination based on sexual orientation was introduced on February 3, but failed to pass. Activists on both sides of the issue turned out for the debate, but the council voted 6-1 to forgo a public hearing and the ordinance failed to pass by a vote of 8-0 (the mayor also voted). There was no discussion by council members or the public. The council member who introduced the ordinance said that his willingness to stimulate discussion on the issue was not to be confused with its support. Although most of the audience was stunned by the quick vote, a small group of opponents, led by Father Bruce King of St. Patrick's Catholic Church, applauded and cheered. Galesburg would have been the smallest town in the state to have enacted a ban against discrimination of gay men and lesbians. Rick Garcia, representative of the Illinois Federation for Human Rights, which has more than 15,000 supporters statewide, said, "I've attended meetings and discussions like this all over the country but I've never seen a body as gutless as this one. It's an abomination!"

INDIANA

Rep. P. Eric Turner (R) introduced SB 211, a bill to ban same-sex marriage in Indiana, even though the state already bans the issuance of marriage licenses to same-sex couples and considers void same-sex marriages performed in other states. According to LGBT Fairness Indiana, Rep. Turner has ties to the Indiana Family Association and the Indiana Family Institute, and is seen as a friend of the Citizens Concerned for the Constitution, the Indiana Christian Coalition, Concerned Women of America, the

Eagle Forum and the Indiana Patriot Militia. After a January 22 hearing was held in the Senate Judiciary Committee, the bill passed out of committee by a vote of 8-3. Rep. Woody Burton (R-Greenwood) introduced HB 1019, a similar bill, in the House with aid from the National Campaign Against Same-Sex Marriage and other Religious Right groups. However, HB 1019 is not currently scheduled for a hearing and is expected to die in the House Families, Children, and Public Affairs Committee.

MAINE

Secretary of State Dan Gwadosky ruled on February 7, that advocates of a citizen initiative to ban same-sex marriage in Maine submitted enough valid petition signatures to force action. As a result, the initiative will go before the Legislature. If not enacted in the legislature, the issue would be put out to a statewide vote on the November 1997 ballot. The leader of Concerned Maine Families (CMF), Carolyn Cosby, submitted petitions and 62,157 signatures, 11,000 more than the number required for a referendum, to the secretary of state on January 23. The petitions are in support of a proposal that would ban same-sex marriages in Maine and prohibit the state from recognizing such marriages performed in other states. Cosby commented, "...The people of Maine have taken a giant step toward defining our cultural norms, the public policies of our state and the meaning of a family." Larry Lockman, vice chairman of CMF, says his group believes that the legislature will adopt the ban outright and not wait to put it on the ballot.

The Maine Lesbian and Gay Political Alliance mounted an unsuccessful "Decline to Sign" campaign against CMF's effort. Although the referendum is supposedly intended to "encourage the traditional monogamous family unit as the building block of our society, the foundation of harmonious and enriching family life," CMF's leader would also like to block the newly enacted domestic partner benefit policy at the University of Maine. CMF initiated this drive less than a year after Maine voters defeated the only anti-gay referendum to appear on a ballot in 1995. Karen Geraghty, spokesperson for the Maine Lesbian-Gay Political Alliance, commented, "I think it's a sad day for the people of Maine [to be] thrust into the national spotlight on such a divisive issue."

MARYLAND

Three gay rights-related bills are being considered in the Maryland legislature. State Del. Emmett Burns Jr. (D-Baltimore), a Baptist minister, introduced House Bill 398, which would prohibit Maryland from recognizing same-sex marriages performed in other states. H.B. 398 is very similar to a bill he introduced last year that failed in the House by a narrow margin. As of Jan. 28, the anti-marriage bill had 15 sponsors. State Del. Sharon Grosfeld (D-Montgomery), a longtime supporter of gay civil rights, introduced pro same-sex marriage legislation that would amend Maryland family law (which currently prohibits same-sex marriages within Maryland) to recognize marriage between two consenting adults. In addition, Del. Sheila Ellis Hixson (D-Montgomery) proposed an anti-discrimination act that is awaiting action by the Judiciary Committee. According to Jan Nyquist, legislative co-chair of the Free State Justice Campaign, the chance of Hixson's bill passing out of the Judiciary Committee is good. This is the fifth time in five years that Delegate Hixson has introduced the bill. The last time it went before the House Judiciary Committee, in 1994, it failed by a single vote.

Montgomery County

School officials barred the broadcast of a student panel discussion of the pros and cons of same-sex marriage. Students who work at Montgomery Blair High School's television station have previously produced shows on a variety of topics: euthanasia, gun control, censorship and female circumcision without problem. Associate Superintendent Joseph S. Villani commented on the same-sex marriage program: "It's not something I think appropriate to run on the education channel. This is a topic we are not going to get in the middle of." The students protested this decision with the support of their principal, and went to the PTA in hope of airing their show. The district's superintendent then appointed a former principal to serve as a hearing officer and look into the decision. She came to the conclusion that the program did not meet "appropriate technical or content standards for an educational television channel." She cited what she called problems with lighting and camera angles as other reasons for her decision to uphold censorship of the program.

However, students claim that school officials never mentioned that technical problems were a factor in their decision until well after the show had been pulled. Lawrence S. Jacobs, co-chairman of the Coalition to End Prejudice in Our Schools, said, "This is caving in to the forces of ignorance -- by an institution whose job is supposed to be education." The students have appealed the decision to the school board. People For the American Way Action Fund urged Superintendent Vance to allow the program to air. In her December 18 letter to Vance, PFAWAF President Carole Shields wrote, "The issue here is not whether one believes in legal recognition of same-sex marriage. The issue is the students' right to freedom of speech to present differing viewpoints regarding that subject." Shields added, "Long after same-sex marriage has faded as a subject of public debate, the lesson that we fear will stick with the students is that censorship of ideas is OK."

Montgomery County has recently been faced with other such incidents. Last spring, the school board's move to amend its human relations policy to prohibit discrimination based on sexual orientation in the schools provoked a flood of protest from local parents. Although the protests failed to stop the school board from voting 6 to 0 in favor of the proposal, the superintendent of schools said that the new policy "will not require any training or curricular changes that promote, encourage or approve of sexual activity of any kind."

MASSACHUSETTS

On December 4, the day following Hawaii's same-sex marriage decision, Gov. William Weld (R) spoke in favor of state recognition of same-sex marriages performed in other states. He said, "My position as a matter of law...as the chief executive officer of a state is that couples would be entitled to all the benefits and burdens of marriage. That's the Constitution. That's the law." He added that he would veto legislation that would seek to deny recognition of same-sex marriages. Gov. Weld also stated, however, that he does not favor the legalization of same-sex marriages in Massachusetts and commented, "I'm not sure public opinion is ready for that, quite frankly." Arline Isaacson, co-chair of the Massachusetts Gay and Lesbian Political Caucus, stated that Gov. Weld "deserves a lot of credit for pro-actively taking a public position against a bill to prevent Massachusetts from recognizing [same-sex] marriages performed in Hawaii."

On December 30, A Norfolk Superior Court awarded $1.2 million to a Newton man, finding that a Catholic hospital wrongly fired him in 1991 because managers suspected he was gay. It is the largest award to date dealing with anti-gay bias and is believed to be the first time a jury agreed that job discrimination based on sexual orientation should be punished with a civil judgment. The jury awarded the plaintiff $625,000 in compensatory damages and another $625,000 in punitive damages from the hospital. In addition, four employees were ordered to pay damages totalling $25,000. According to the plaintiff's lawyer, the problems of the 40 year-old housekeeping manager, who has not identified his sexual orientation, began in 1990 when young men in his department made homophobic remarks. These men then attempted to get him fired by circulating a petition, and by ultimately accusing him of sexual harassment in early 1991. The Boston Globe reported that the hospital's attorney had filed a motion to overturn the verdict. The hospital also plans to appeal if the judge lets the verdict stand, on the grounds that the jury was swayed by "anti-Catholic prejudice."

MICHIGAN

Saugatuck

A committee will reexamine the issue of an ordinance designed to protect the civil rights of gay men and lesbians, even though the city council terminated its discussion of such an ordinance months ago. Council member Peg Sanford reintroduced the issue by showing a summary of nearly 50 similar ordinances in effect in other communities. She said, "A human rights ordinance will not hurt this community. Why not have [one] when we have residents who feel safer with one in place?" The Saugatuck City council voted 6 to 1 in early September to reopen the issue of preserving human rights regardless of sexual orientation. The council will form a committee of ten residents and three council members to discuss the issue.

∇ Legal contact: Lambda Legal Defense and Education Fund, 17 E. Monroe Street, Ste.212, Chicago, IL 60603; (312) 759-8110; Attn: Patricia Logue.

MISSISSIPPI

On January 10, the state senate voted unanimously and without debate for a proposal that would prohibit same-sex marriages in Mississippi and ban recognition of same-sex marriages performed in other states. In the House the measure is expected to win quick approval. Gov. Kirk Fordice signed an executive order in August that banned recognition of same-sex marriage in Mississippi. Dave Ingebretsen, executive director of the Mississippi American Civil Liberties Union, called the bill a "politically motivated piece of legislation," and added, "The issue is going to be resolved by the U.S. Supreme Court."

NEBRASKA

On January 13, LB 280, a proposal to ban same-sex marriages was introduced in the legislature with 28 co-sponsors, three more than the number of votes needed to pass. Attorney General Don Stenberg said that Nebraska should have a law that denies recognition of same-sex marriages so that it will not be forced to recognize marriage licenses issued by other states. Leaders of the Nebraska Christian Coalition

had advocated a same-sex marriage ban in 1996, but the legislature closed without resolving the issue. Sen. Jensen commented, "I think marriage of one man and one woman should be preserved, let me say that. I want to look at the situations and all the ramifications that come from same-sex marriages. It's a major issue, and I want to make sure I feel comfortable with it." Doug Patten, executive director of the Nebraska Christian Coalition, commented, "Senator Jensen is a real friend of the family on legislation that he's proposed, we're very appreciative of his efforts."

Sen. Ernie Chambers (D-Omaha), has however proposed a bill that would legalize same-sex marriage. He said that the anti-marriage advocates are "taking a politically popular position which really discriminates against an entire segment of the population. It's busybody, meddlesome legislation supported by people who don't have enough in their own lives to keep busy." Barbara Kimberly, PFLAG chairwoman in the state, said, "Our organization will be involved very extensively in testifying and lobbying, maybe even protests. We'll just work on both of them, because Ernie [Chambers] will be will keep bringing it back again and again." Another member of PFLAG said that she and her partner are starting a new organization called Lincoln Pride Network that would encourage communication between gay men, lesbians, and their organizations.

NEW JERSEY

The Senate Judiciary Committee reported an anti-same-sex marriage bill (with one abstention only). The legislation is now pending before the Senate. Unlike most state legislatures, the New Jersey state legislature has a two-year term that commenced in January of 1996. Thus, the bill has remained active since last year.

NORTH CAROLINA

Mecklenburg County

On December 17, Mecklenburg commissioners rejected, by a 5-4 vote, a proposal to eliminate county funding to any agency that provides information about homosexuality or other "crimes of nature." The measure was introduced by Bill James (R) who believed that because homosexual sex is illegal in North Carolina, the county violated the spirit of the law by funding agencies that present information about such acts and do not specifically condemn them. Had James' measure passed, it could have affected the Charlotte-Mecklenburg schools, which are currently considering a comprehensive sexuality education program that would include homosexuality. However, James may reintroduce the parts of his proposal that he thinks might pass if one commissioner changes his vote. The commissioner he hopes to sway, Hoyle Martin (D) commented, "If I had my way, we'd shove these people [gay men and lesbians] off the face of the earth. But that's not going to happen. There is an aggressive tendency of some [gay men and lesbians] to try to indoctrinate other people, particularly youth, into the lifestyle."

PENNSYLVANIA

Elizabethtown

On January 14, the Elizabethtown School Board released the final draft of the "Instructional Policy regarding Sexual Orientation" to the public. The policy underwent its first reading at a meeting on January 21 and will have its second reading at the February 11 meeting, where it will most likely be voted into law. The school board has secured the support of two Religious Right organizations: the Rutherford Institute and Concerned Women for America. The policy outlines that curriculum will not "promote or encourage same-sex relationships or orientation." The policy was drafted to implement a resolution, originally sent to a school board member with hand-written comments from Beverly LaHaye, president of Concerned Women of America. The resolution provoked self-censorship. The Elizabethtown High School band director decided not to allow the band to play "YMCA," by The Village People at the next football game. He remembered that some school board members did not approve when the school vocal group sang the same song a year prior. In October, 250 middle and high school students marched out of classes to protest the "pro-family" resolution. At the next school board meeting, dozens of Elizabethtown area residents attended the school board meeting, and lined up at microphones to voice their opposition to the "pro-family" resolution. The board referred the resolution to its policy committee for review. Area parents have organized a group called Common Sense to oppose the resolution.

SOUTH CAROLINA

Greenville

Due to a lack of support from his colleagues, County Councilman Richard Ashmore abandoned his proposal to condemn homosexuality. A previous resolution that condemned homosexuality as incompatible with community standards resulted in a move by Atlanta Olympic organizers to reroute the torch around Greenville county. Councilman Ashmore's proposed resolution would have condemned "lifestyles that are contrary to the teachings and principles of the Judeo-Christian beliefs" and stated that the county would fight for the traditional family. Susan Stallard of ProJustice Carolina commented, "This is a victory for us that he can't find the support to do this."

UTAH

The state school board revised a school club policy granting educators more control over gay, lesbian and bisexual school clubs. Under the new rule, which still needs final approval by the Board, the state's 40 school districts will be bound by state regulations. Students and teachers intending to organize a club will have to develop a charter that describes the kind of activities planned for its members. Local boards could then set specific regulations requiring, for example, parental consent to join a club. The director of the Utah chapter of the ACLU commented, "Our position has been from the beginning that it has been unnecessary. The Equal Access Act addresses all the issues surrounding school clubs," she said. This revision came nearly a year after some students at Salt Lake City's East High School wanted to form a gay-lesbian alliance. In response, the Salt Lake City school board ruled that all clubs had to be related to school curriculum, and effectively outlawed gay and lesbian clubs.

VIRGINIA

Two identically worded bills (SB 884 and HB 1589) that would prohibit marriages performed in other states from being recognized in Virginia passed the Senate and the House of Delegates. Now the Senate and the House must each formally vote on the bill sent from the other chamber.

All other gay rights' related bills in the Virginia legislature have now died because the session's midpoint requires the House and Senate to finish action on bills that were introduced in their chamber and send the bills that pass to the other chamber for consideration. Any bills not acted upon by cross-over day automatically die without a vote.

The Parental Rights bill, which passed by one vote in committee, ultimately failed to pass the Virginia Senate. People For the American Way Action Fund warned residents not to be deceived by the proposed parental rights constitutional amendment. The proposed parental rights amendment, PFAWAF stated, would have been 1) dangerous because it will make it difficult to enforce child protection laws, 2) unnecessary because parents already have the right to direct the education and upbringing of their children and 3) expensive because taxpayers will have to pay for lawsuits that extremist parents would be empowered to bring against schools. A parental rights amendment, if enacted, would be a powerful weapon for those seeking to remove discussion of gay and lesbian issues from public schools.

Alexandria

In a 4-3 vote, the Alexandria City Council decided not to ask the Virginia General Assembly to legalize same-sex marriages. However, the council did agree to send four other pro-gay measures to the state legislature. The proposed bills were intended to: reform sodomy laws to exempt private, consensual sex between adults; amend hate crimes law to include sexual orientation; extend insurance benefits to domestic partners; protect gay men and lesbians from discrimination in employment and housing.

WASHINGTON

Rep. Ed Murray introduced HB 1203, a positive same-sex marriage bill in the Washington state legislature, at the request of departing governor, Mike Lowry. Another pro-marriage bill, SB 5346, has been introduced in the Senate, and HB 1044 was introduced in the House. These bills were filed in response to HB 1130, SB 5398 and SB 5400, all anti-same-sex marriage bills. Republicans control both the House and the Senate, have expressed their intention to pass an anti-Gay marriage ban in Washington state, and appear to have the votes to carry out their agenda.

On December 23, the Washington State Court of Appeals ruled that the Whatcom County Superior Court could not restrict a gay father from displaying affection with his partner in front of his children. The ruling stated, "The evidence showed only that the children experienced difficulty adjusting after their parents' separation. But where the only harm is adjustment, the remedy is counseling, not restrictions on the parents' lifestyle in terms of sexual orientation." The court added that, "restrictions on a parent's conduct designed to artificially ameliorate changes in a child's life are not permissible."

WISCONSIN

U.S. District Judge John Shabaz ruled that UW-Madison students do not have to fund university organizations that they do not support. Three students who objected to the use of their money to fund gay and environmental student groups sued the university for using mandatory fees to fund groups the students found objectionable. The judge said that the use of fees to subsidize groups who advance political or ideological goals violates students' constitutional rights even despite the 'viewpoint neutral' way in which fees are distributed to student groups. According to the university, less than 10 percent of about $330 that students pay in fees each year goes to support student groups and services. The University of Wisconsin System has appealed the case to the Seventh Circuit Court of Appeals. While the case awaits appeal, the court has granted the attorney general's motion to stay the district court's ruling.

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The information in this report was obtained from national and grassroots organizations, activists, and media, including the following:

∇ *Citizens Against Discrimination. P.O. Box 519, Edneyville, NC 28727; (704) 685-9673; charles6@aol.com*

∇ *The Forum on the Right to Marriage (FORM), Box 8033 JFK Station, Boston, MA, 02114; (617) 868-FORM; formnatl@aol.com*

∇ *Gay and Lesbian Alliance Against Defamation (GLAAD), 150 W. 26th Street, Suite 503, New York, NY, 10001; (212) 807-1700; glaad@glaad.org*

∇ *Gay and Lesbian Alliance Against Defamation/San Francisco Bay Area (GLAAD/SFBA), 1360 Mission Street, Suite 200, San Francisco, CA, 94103; (415) 861-4588; glaadsfba@aol.com*

∇ *Gay, Lesbian, and Straight Teachers Network (GLSTN), 122 W. 26th Street, Suite 1100, New York, NY, 10001; (212) 727-0135; GLSTN@glstn.org*

∇ *Human Rights Campaign (HRC), 1101 14th Street, NW, #200, Washington, DC 20005; (202) 628-4160; hrc@hrcusa.org*

∇ *L.A. Gay and Lesbian Center, 1625 N. Schrader Blvd., Los Angeles, CA, 90028; (213) 860-7358; gaylesbla@aol.com*

∇ *Lambda Legal Defense and Education Fund, Inc., 666 Broadway, New York, NY 10012-2317;(212) 995-8585*

- *National Advocacy Coalition on Youth and Sexual Orientation (NACYSO), 1711 Connecticut Avenue, NW, Suite 206, Washington, DC, 20009; (202) 319-7596; NACYSO@aol.com*

- *National Gay and Lesbian Task Force (NGLTF), 2320 17th Street, NW, Washington, DC 20009-2702; (202) 332-6483; ngltf@ngltf.org*

- *New Jersey Gay Lesbian Coalition, P.O. Box 11355, New Brunswick, NJ 08906-1335; (908) 828-6772; nglgc@plts.org.*

- *Parents, Families and Friends of Lesbians and Gays (P-FLAG), 1012 14th Street, NW, # 700, Washington, DC 20005; (202) 638-4200; PFLAGNTL@aol.com*

- *PERSON Project (Public Education Regarding Sexual Orientation Nationally)/Jessea Greenman, 586 62nd Street, Oakland, CA 94609-1245; (510) 601-8883; jessea@uclink4.berkeley.ed*

- *Privacy Rights Education Project, P.O. Box 1406, St. Loius, MO 63130; (314) 862-4900; prepstl@aol.com*